

September 14, 2010

TO: Members of the MAG Regional Council

FROM: Mayor Tom Schoaf, Litchfield Park, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 5:00 p.m.
Wednesday, September 22, 2010
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next MAG Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. Supporting information is enclosed for your review. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Cholla Room on the 2nd floor.

Please park in the garage underneath the building. Parking places will be reserved for Regional Council members on the first and second levels of the garage. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions, please call the MAG office.

c: MAG Management Committee

**MAG REGIONAL COUNCIL
TENTATIVE AGENDA
September 22, 2010**

COMMITTEE ACTION REQUESTED

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| 1. <u>Call to Order</u> | |
| 2. <u>Pledge of Allegiance</u> | |
| 3. <u>Call to the Audience</u> An opportunity will be provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. | 3. Information. |
| 4. <u>Executive Director's Report</u> The MAG Executive Director will provide a report to the Regional Council on activities of general interest. | 4. Information and discussion. |
| 5. <u>Approval of Consent Agenda</u> Council members may request that an item be removed from the consent agenda. Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items. Consent items are marked with an asterisk (*). | 5. Approval of the Consent Agenda. |

ITEMS PROPOSED FOR CONSENT*

MINUTES

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| *5A. <u>Approval of the July 28, 2010, Meeting Minutes</u> | 5A. Review and approval of the July 28, 2010, meeting minutes. |
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TRANSPORTATION ITEMS

*5B. Amendment of the MAG Regional Transportation Plan 2010 Update

On July 28, 2010, the MAG Regional Council approved the Fiscal Year (FY) 2011-2015 Transportation Improvement Program (TIP) and the MAG Regional Transportation Plan (RTP) 2010 Update. In late July, due to reductions in revenues, including repeal of the Local Transportation Assistance Fund (LTAF), transit service level adjustments were finalized by transit service providers and reflected in transit schedules published in July 2010. These changes impacted the transit service levels in the RTP 2010 Update and the corresponding transportation network modeling assumptions. An air quality conformity regional emissions analysis reflecting the new modeling assumptions has been conducted and indicates that the TIP and RTP will not contribute to violations of federal air quality standards. The MAG Transportation Review Committee recommended approval on August 31, 2010 and the Management Committee recommended approval on September 8, 2010. This item is on the September 15, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

*5C. Programming of FY 2011 Highway Safety Improvement Projects and Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget

The Arizona Department of Transportation (ADOT) distributes 20 percent of the federal Highway Safety Improvement Program (HSIP) funds the State receives to the Metropolitan Planning Organizations and Councils of Governments. The share received by MAG, starting in Fiscal Year (FY) 2010, is \$1 million each year and needs to be programmed for qualifying safety projects. For FY 2011, MAG-HSIP funded safety projects must be obligated by the ADOT deadline of May 1, 2011. The Transportation Safety Committee reviewed the availability of federal HSIP funds for road safety improvements

5B. Approval of an amendment to the MAG Regional Transportation Plan 2010 Update to incorporate public transit service level adjustments resulting from reductions in revenues, including repeal of the Local Transportation Assistance Fund, that were reflected in public transit service schedules published in July 2010, contingent upon a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and the MAG Regional Transportation Plan 2010 Update with applicable air quality plans.

5C. Approval of an amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide \$200,000 of MAG Federal Highway Administration (FHWA) funds and \$200,000 of FHWA Highway Safety Improvement Program (HSIP) funds allocated to MAG by the Arizona Department of Transportation, to perform Road Safety Assessments (RSAs), develop Project Assessments (PAs)/Design Concept Reports (DCRs) for high risk intersections identified through the network screening process based on the Top 100 Intersection List and the state's Top Five Percent Report, and hold a regional workshop on RSAs (in the amount of \$2,000), and to recommend approval of the programming process for the remaining \$800,000 of FY 2011 safety projects for systematic safety improvements

in the MAG region, the urgency for FY 2011 MAG-HSIP project obligation, and generated a recommendation for the programming of safety projects in FY 2011. The Safety Committee recommendation not only addresses FY 2011, but also will be helpful in developing a systematic multi-year program for implementing road safety improvements across the MAG region. The MAG Transportation Review Committee recommended approval on August 31, 2010, and the MAG Management Committee recommended approval on September 8, 2010. Please refer to the enclosed material.

involving projects that are classified as Categorical Exclusion Group I.

*5D. Update of the Federal Functional Classification System

5D. Information and discussion.

The most recent update to the federal functional classification of roadways in Maricopa County occurred in 2005 and primarily focused on the urban area. Since then, substantial growth has occurred and the Federal Highway Administration (FHWA) has modified the definitions used in the system and introduced significant data collection requirements. To address these issues, MAG staff is proposing a two-phase update to the system in the MAG region. The first phase will develop an updated arterial network for Regional Council approval by January 2011. The second phase will develop an updated collector network for approval by March 2011. The primary work would be performed by the MAG Street Committee with final review and approval conducted through the MAG Committee process. Please refer to the enclosed material.

AIR QUALITY ITEMS

*5E. New Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update, As Amended

5E. Approval of the new Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update, as amended.

On July 28, 2010, the MAG Regional Council approved a Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program (TIP) and MAG Regional Transportation Plan 2010 Update. Since that time, an amendment to the Regional Transportation Plan

2010 Update is required to incorporate public transit service level adjustments resulting from reductions in revenues, including the repeal of the Local Transportation Assistance Fund (LTAF), that were reflected in public transit service schedules published in July 2010. The conformity assessment for the proposed amendment, which includes a regional emissions analysis, concludes that the TIP and Regional Transportation Plan 2010 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. On August 19, 2010, a 30-day public review period began on the conformity assessment and amendment. Comments are requested by September 20, 2010. The Management Committee recommended approval on September 8, 2010. Please refer to the enclosed material.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6. Proposal to Advance the Construction for a Portion of the Williams Gateway Freeway

Mesa has requested consideration of a proposal to advance the construction for the segment of the Williams Gateway Freeway from the Santan Freeway to Ellsworth Road. Funding for the construction of this segment is programmed in Fiscal Year (FY) 2016 and Mesa is proposing to advance construction to FY 2012. A request to accelerate the design, right of way and construction of this segment was originally approved by MAG in January 2009. The legislature subsequently swept the funds that had been designated for the interest expense for the accelerated project. In May 2009, MAG approved a request by Mesa to accelerate only the design and right of way and that the funding that has been programmed for the advanced acquisition of right of way in the corridor be used to cover the interest expense associated with the financing necessary to accelerate the design and right of way activity. The Arizona Department of Transportation (ADOT) is currently acquiring the right of way and is starting the final design for the segment. To advance construction, Mesa is proposing to issue Highway Project

6. Approval of the Mesa request to advance the construction of an interim connection of the Williams Gateway Freeway between the Santan Freeway and Ellsworth Road by approximately four years, to be incorporated into the MAG FY 2011 to FY 2015 Transportation Improvement Program for FY 2012 and the Regional Transportation Plan 2010 Update for an air quality conformity analysis, and authorize the MAG Executive Director to enter into an agreement with ADOT and Mesa.

Advancement Notes (HPANs), which are secured by the city's excise tax, to fund the accelerated construction. Since Mesa would issue the debt, there is no impact on the freeway program's financing capacity. The program currently estimates construction costs at \$158.3 million. Recent ADOT estimates place construction costs at \$119 million due in large part to the competitive bidding environment. Advancing construction of this project to January 2012 could potentially save the Program a substantial amount of money. The Management Committee recommended approval on September 8, 2010. This item is on the September 15, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

7. State of Transit in the Region

Through the MAG Committee process starting at the Transit Committee, MAG programs transit projects to be funded with federal funds while working cooperatively with MAG member agencies, the designated grant recipient (City of Phoenix), and the transit operators in the region: the City of Glendale, the City of Peoria, the City of Phoenix, the Regional Public Transportation Authority (RPTA), the City of Scottsdale, the City of Surprise, the City of Tempe, and Valley Metro Rail (METRO). Fiscal Year (FY) 2010 was a transition year for transit programming. In the past, the effort was led by RPTA, using prioritized guidelines as explained in the attachment. Last year, the responsibility shifted to MAG. FY 2011 will continue to be a transition year for transit programming. MAG needs to develop regional transit programming guidelines/priorities/evaluation criteria for federal funds and a process on how to integrate Transportation Life Cycle Program (TLCP) material changes to the Regional Transportation Plan (RTP) through the MAG Committee process. An overview of the State of Transit in the Region will be presented to aid member agency leaders in providing input to staff and the MAG Transit Committee in developing the regional transit programming guidelines/priorities/evaluation criteria for federal funds. Please refer to the enclosed material.

7. Information and discussion.

AIR QUALITY ITEMS**8. Update on Exceptional Events and MAG Five Percent Plan for PM-10**

On July 2, 2010, the Environmental Protection Agency (EPA) published the proposed consent decree in the Federal Register, which indicated that EPA would propose action on the MAG Five Percent Plan for PM-10 by September 3, 2010, and finalize the action by January 28, 2011. The Arizona Department of Environmental Quality (ADEQ) submitted comments requesting that the schedule in the consent decree be delayed for at least six months to ensure that a final decision on exceptional events will be made by EPA based upon the best scientific information available. The Salt River Pima-Maricopa Indian Community, Maricopa County and MAG submitted comments in support of the ADEQ comments. On August 2, 2010, the ADEQ transmitted supplemental information to EPA regarding the June 4, 2008 exceptional event and again requested that Region IX revisit its May 21, 2010 decision to not concur with the ADEQ exceptional events documentation. On August 24, 2010, EPA sent a letter to ADEQ indicating that EPA will be proposing action on the Five Percent Plan on September 3, 2010, and that EPA will be addressing the exceptional events in that action. MAG has also been conducting outreach to the Congressional Delegation as directed by the Regional Council. On August 30, 2010, the Arizona Congressional Delegation sent a letter to EPA expressing concern with recent EPA decisions on exceptional events and the MAG Five Percent Plan for PM-10. In addition, the California Air Resources Board sent a letter to EPA expressing concern with the EPA denial of the Imperial County exceptional events. On August 17, 2010, the Imperial County Air Pollution Control District approved the pursuit of all appropriate legal remedies to challenge EPA's limited disapproval of their dust control rules, tied to the disapproval of the exceptional events. On September 1, 2010, ADEQ and MAG sent a joint letter to EPA to express concern with the process used by EPA to implement the Exceptional Events Rule and to request an extension of at least six months before

8. Information and discussion.

EPA proposes action on the Five Percent Plan. On September 2, 2010, EPA sent a letter to the Delegation, ADEQ, and MAG indicating that the proposed action will occur on September 3, 2010. On September 3, 2010, the EPA Regional Administrator signed a Federal Register notice that proposed partial approval and partial disapproval of the Five Percent Plan for PM-10 for the Maricopa County nonattainment area. The notice was published in the Federal Register on September 9, 2010, and comments are due by October 12, 2010. Please refer to the enclosed material.

GENERAL ITEMS

9. Sustainable Communities Regional Planning Grant Program

In August 2010, MAG submitted an application for the Sustainable Communities Regional Planning Grant Program on behalf of the Sun Corridor Consortium. The grant requests nearly \$5 million to support the creation of a regional plan for sustainable development. The purpose of the plan is to integrate housing, economic development, and transportation planning in order to enhance the economy, the environment, and social equity. In total, 120 partners formally supported the grant application by leveraging nearly \$21 million. The Sustainable Communities Planning Grant Program is offered through the U.S. Department of Housing and Urban Development (HUD) in partnership with the U.S. Department of Transportation and the Environmental Protection Agency. The application process is expected to be very competitive for the \$98 million available nationally. MAG began convening stakeholders in April 2010 to explore possible opportunities to position the region well. Six initiatives were proposed in the application to inform the process to develop the Sun Corridor Regional Plan for Sustainable Development. These initiatives address issues such as transportation and housing. Securing funding now may be advantageous for the region if regional plans for sustainable development become a requirement with the re-authorization of federal transportation funding. An update is offered on the activities and partners included in

9. Information and discussion.

the grant application. Please refer to the enclosed material.

10. MAG JPAC Policy Committee Composition

On September 13, 2010, the MAG Regional Council Executive Committee recommended approval of the composition of the MAG Joint Planning Advisory Council (JPAC) Policy Committee. The purpose of the proposed Policy Committee is to serve as a coordinating function to the JPAC for the Sun Corridor and to assist MAG in providing a greater focus on the economy with the MAG planning process. The composition of the proposed MAG JPAC Policy Committee will include private sector individuals and MAG member agency elected officials. The Executive Committee has proposed individuals to serve as the private sector representatives and MAG member agency elected officials wishing to be appointed will be requested to submit a letter of interest for consideration at the October Regional Council meeting. The final details of the MAG JPAC Policy Committee composition will be reviewed by the Executive Committee and will be forwarded in a separate mailing.

11. Brookings Intermountain Partnership Report

In May 2009, the Regional Council approved amending the FY 2009 MAG Unified Planning Work Program and Annual Budget to include \$14,902 of MAG federal funds to participate in the Brookings Metropolitan Policy Program Intermountain Partnership. One of the primary purposes of the partnerships is to focus on the reauthorization of the federal transportation program, to produce research and memoranda, and to help brief local and national leaders. On February 24, 2010, Brookings provide an update on their activities to the Regional Council. Since that time, Brookings continues to work to draw attention to key transportation policy reform priorities of interest to the metros and metropolitan planning organizations (MPOs) of the Intermountain West, with special focus on new transportation finance mechanisms and rail opportunities. Mr. Robert Puentes, Senior Fellow for the Brookings Metropolitan Policy Program, will

10. Approval of the composition of the MAG JPAC Policy Committee and private sector representatives, and to solicit letters of interest from MAG member agency elected officials for the possible appointment to the MAG JPAC Policy Committee at the October Regional Council meeting.

11. Information and discussion.

provide a report to the Regional Council on the activities of the Brookings Institution on behalf of the Intermountain Partnership.

12. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

13. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Adjournment

12. Information and discussion.

13. Information.